

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

MATTHEW F. ABBOTT	)	
	)	
Plaintiff	)	
	)	
-vs-	)	NO: 08 C 642
	)	
STARLINGER NA, et al.	)	
	)	
Defendants	)	

**SECOND MOTION TO EXTEND TIME TO ANSWER**

NOW COMES the Defendant, STARLINGER NORTH AMERICA, INC., by and through its attorneys, PEREGRINE, STIME, NEWMAN, RITZMAN & BRUCKNER, LTD., and moves this Honorable Court for an Order extending the time in which to file responsive pleadings for an additional twenty (20) days from the date of this hearing. In support thereof, Defendant, STARLINGER NORTH AMERICA, INC., states as follows:

1. Plaintiff's Complaint is premised in products liability and alleges four different causes of action.
2. Defendant, STARLINGER NORTH AMERICA, INC.'s answer or responsive pleadings were due on or before May 15, 2008 per this Court's April 9<sup>th</sup> Minute Order. See Exhibit 1.
3. That Defendant, STARLINGER NORTH AMERICA, INC., is the distributor of a rubber injection molding machine whose manufacturer is in Austria.
4. That in order to prepare a defense to Plaintiff's cause of action, it is necessary for the Defendant, STARLINGER NORTH AMERICA, INC., to consult with Austria and review certain documents which needs to be translated to English from German and to view the machine

in Bremen, Indiana. The attorney for the employer, Nisco, is unilaterally limiting the time for inspection.

5. Due to the inspection issues and the fact we may need to conduct an additional inspection on June 7, 2008, Defendant, STARLINGER NORTH AMERICA, INC. requests additional time to file its responsive pleadings on or before June 15, 2008.

6. Plaintiff has agreed to additional time. See Exhibit 2.

7. No party will be prejudiced as the foreign defendants, including the manufacturer have not been served.

WHEREFORE, Defendant, STARLINGER NORTH AMERICA, INC., prays this Honorable Court for an extension of time to file its responsive pleadings to June 15, 2008.

RESPECTFULLY SUBMITTED,

PEREGRINE, STIME, NEWMAN,  
RITZMAN & BRUCKNER, LTD.

By: 

David W. Clark, one of the attorneys for  
Defendant, Starlinger North America, Inc.

David W. Clark  
PEREGRINE, STIME, NEWMAN,  
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M:\STARLINGER advs. Abbott\Motion.ExtendTime.doc

**David Clark**

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**From:** usdc\_ecf\_ilnd@ilnd.uscourts.gov  
**Sent:** Wednesday, April 09, 2008 11:04 AM  
**To:** ecfmail\_ilnd@ilnd.uscourts.gov  
**Subject:** Activity in Case 1:08-cv-00642 Abbott v. Starlinger North American Inc et al order on motion for extension of time to answer

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**United States District Court**

**Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3**

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The following transaction was entered on 4/9/2008 at 11:03 AM CDT and filed on 4/8/2008

**Case Name:** Abbott v. Starlinger North American Inc et al

**Case Number:** 1:08-cv-642

**Filer:**

**Document Number:** 17

**Docket Text:**

**MINUTE** entry before Judge Honorable John W. Darrah: Status hearing held and continued to 6/25/08 at 9:00 a.m. Defendant's motion for an extension of time to answer is granted [12]. Answer to be filed by 5/15/08. Rule 26(a)(1) disclosures to be exchanged by 5/8/08. The Court will rule by mail regarding plaintiff's motion for issuance of letters rogatory [14]. Mailed notice (mjc, )

**1:08-cv-642 Notice has been electronically mailed to:**

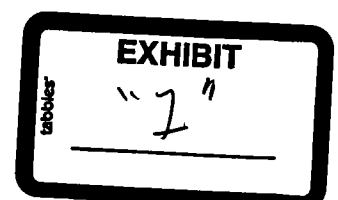
David W. Clark dclark@psnrb.com

Bryan L. Bradley blb@kenallenlaw.com

Adrian P. Smith adrian@kenallenlaw.com

**1:08-cv-642 Notice has been delivered by other means to:**

5/8/2008



**David Clark**

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**From:** Bryan L. Bradley [blb@kenallenlaw.com]  
**Sent:** Wednesday, May 07, 2008 10:45 AM  
**To:** David Clark  
**Cc:** jlisher@ohllaw.com; Williams, Lloyd  
**Subject:** RE: Starlinger inspection

David,

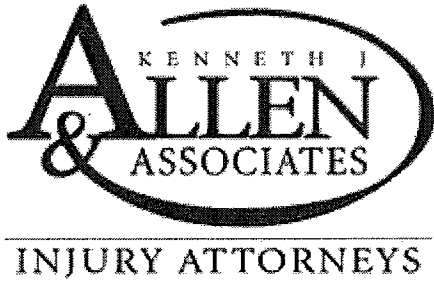
For what it's worth, I have no objection if you need additional time to answer.

Please keep us posted if the inspection is going to proceed.

Regards,

Bryan

Bryan L. Bradley



Allen Law Building · 1109 Glendale Blvd., Valparaiso, IN · (219) 465-6292  
Chase Bank Center · 8585 Broadway, 8<sup>th</sup> Floor, Merrillville, IN · (219) 736-6292  
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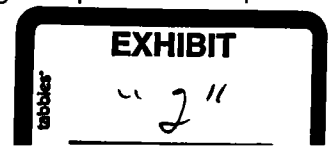
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**From:** David Clark [mailto:dclark@psnrb.com]  
**Sent:** Wednesday, May 07, 2008 10:46 AM  
**To:** jlisher@ohllaw.com; Bryan L. Bradley; Williams, Lloyd  
**Cc:** LUIKI Paul; phook@maplanstarlinger.com; GORLATOV Alexey  
**Subject:** Starlinger inspection

John,

Why did you wait until two days before the inspection after we paid our expert \$1,500 to cut his vacation short to inform us of the 1/2 hour time limit for inspection and, apparently, a unilateral limitation on the number of attendees? How is that fair to all of us coming from out of town? You are the one who gave us the dates for the inspection way back in March and you knew a month ago that we needed two hours to inspect the machine. Why not tell us then BEFORE we saw Judge Darrah of these limitations as I requested so we could get the appropriate court order requiring compliance with the inspection and giving Starlinger ample time to respond to Plaintiff's Complaint?

5/8/2008



IF we move the inspection to the 7th, is NISCO willing to pick up the \$1,500 fee we are out to our expert?

Call me on this as I have called you twice this morning with no response.

Dave

David W. Clark  
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